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Message Text

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INFORM CONSULS

FOL USUN 5698 SENT ACTION SECSTATE INFO YAOUNDE DEC 16, 1977
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DEPARTMENT REPEAT ALL DIPLOMATIC POSTS

E.O. 11651: N/A
TAGS: DLOS
SUBJECT: SUMMARY OF 13-14 DECEMBER NEW YORK LOS INFORMAL CONSULTATIONS

1. THE FOLLOWING IS A SUMMARY OF THE LOS INFORMAL CONSULTATIONS HELD IN NEW YORK 13-14 DECEMBER 1977 CHAIRED BY THE PRESIDENT OF THE CONFERENCE AMBASSADOR AMERSINGHE (SRI LANKA). THE SUBJECT MATTER IN THIS SECTION HAS BEEN EXTRACTED FROM THE PRESIDENT'S SMOOTH NOTES.
(1) INTERSESSIONAL NEGOTIATIONS WOULD FACILIATE PROGRESS TOWARDS AGREEMENT DURING THE SEVENTH SESSION OF THE LOS CONFERENCE AND SHOULD CONCENTRATE ON MOST CONTRO-
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VERSIAL AND COMPLEX ISSUES BEFORE THE CONFERENCE.

(2) DURATION OF INTERSESSIONAL MEETING SHOULD BE APPROXIMATELY TWO WEEKS - PREFEREABLY FIRST 2 WEEKS IN FEBRUARY. AN ALTERNATIVE BEING TWO AND A HALF WEEKS COMMENCING 1 FEBRUARY 1978 AND CONINUE UNTIL FRIDAY, 17 FEBRUARY 1978.
ADVANTAGE OF STARTING ON WEDNESDAY, 1 FEBRUARY, WOULD BE TO LEAVE 30 AND 31 JANUARY FREE FOR GROUP MEETINGS.

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(3) THE INTERSESSIONAL MEETING SHOULD BE IN NEW YORK WHICH
IS LOGISTICALLY A PREFERABLE VENUE TO GENEVA AND WHICH
WOULD PROVIDE GREATEST PARTICIPATION AT THE HIGHEST
LEVEL.
SECRETARIAT INDICATED CONFERENCE SCHEDULE SO CONGESTED
THAT ONLY PERIOD WHICH NEW YORK COULD ACCOMMODATE
MEETING WAS 23 JANUARY TO 3 FEBRUARY 1978.

OTHER DATES IN FEBRUARY WOULD REQUIRE, ECOSOC AND
COMMITTEE ON CONFERENCES, TO AGREE TO CONSEQUENTIAL
CHANGES IN THE PROGRAMME OF CONFERENCES. PRESIDENT
WAS REQUESTED TO PURSUE THIS POSSIBILITY WITH THE
SECRETARIAT.

IN REGARD TO GENEVA, SECRETARIAT STATED THAT THE INTER-
SESSIONAL MEETING COULD BE ACCOMMODATED DURING PERIOD
30 JANUARY TO 10 FEBRUARY 1978, WITH FOUR MEETINGS
SIMULTANEOUSLY, OR FROM 13 TO 24 FEBRUARY 1978, WITH
TWO MEETINGS SIMULTANEOUSLY.

(4) A LIST OF OUTSTANDING ISSUES WAS PRESENTED B THE
PRESIDENT WHO INDICATED THAT FROM THIS LIST - WHICH
WAS NOT EXHAUSTIVE - A CHOICE WOULD HAVE TO BE MADE
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FOR THE AGENDA FOR THE INTERSESSIONAL MEETING.
THIS LIST FOLLOWS:
(I) MATTERS RELATING TO INTERNATIONAL SEA-BED REGIME, NAMELY:
(A) RESOURCE POLICY - PRODUCTION MANAGEMENT,
(B) SYSTEM OF EXPLORATION AND EXPLOITATION
AND THE CONDITIONS RELATING TO IT,
(C) SCOPE OF THE REGIME IN REGARD TO THE
MINERALS COVERED BY IT,
(D) COMPOSITION AND DECISION-MAKING PROCEDURE
OF THE MAIN ORGANS OF THE PROPOSED AUTHORITY,
NAMELY THE ASSEMBLY AND THE COUNCIL,
(E) REVIEW OF THE SYSTEM OF EXPLORATION AND EX-
PLOITATION,
(F) FINANCIAL ARRANGEMENTS INCLUDING THE FINANCING
OF THE AUTHORITY AND ITS ENTERPRISE.
(II) STATUS OF THE EXCLUSIVE ECONOMIC ZONE AND THE
ACCESS OF OTHER STATES, PARTICULARLY THE LAND-LOCKED
AND GEOGRAPHICALLY DISADVANTAGED STATES, TO THE
LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONE.

(III) THE QUESTION OF MINERAL RESOURCES OF THE CONTINENTAL
SHELF WHERE THE CONTINENTAL MARGIN LIES BEYOND
THE 200-MILE LIMIT OF THE EXCLUSIVE ECONOMIC ZONE,
AND THE RELATED ISSUE OF REVENUE SHARING.
(IV) THE DEFINITIONOF THE CONTINENTAL MARGIN.

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(V) DELIMIATATION OF THE LIMITS OF MARITIME ZONES AS
BETWEEN ADJACENT AND OPPOSITE STATES.

(VI) DISPUTE SETTLEMENT IN REGARD TO:
(A) THE EXERCISE OF THE RIGHTS AND THE PERFORMANCE
OF THE DUTIES OF COASTAL AND OTHER STATES
WITHIN THE EXCLUSIVE ECONOMIC ZONE; AND
(B) BOUNDARY ISSUES.

(VII) PREAMBLE AND FINAL CLAUSES, INCLUDING THE QUESTION
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OF AMENDMENT OF THE CONVENTION.

IT WAS INDICATED THAT ITEM (II) OF THE LIST SHOULD BE AMENDED
TO READ "LEGAL STATUS OF THE EXCLUSIVE ECONOMIC ZONE AND ACCESS
OF LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES TO THE
LIVING RESOURCES OF THE EXCLUSIVE ECONOMIC ZONE".

IN REGARD TO ITEMS (III) AND (IV), IT WAS POINTED OUT THAT THEY
SHOULD BE MERGED AND SHOULD READ: "THE QUESTION OF HE PRECISE
DEFINITION OF THE CONTINENTAL MARGIN AND REVENUE SHARING BETWEEN
THE 200-MILE LIMIT AND THE OUTER EDGE OF THE CONTINENTAL MARGIN".

KTL IT WAS AGREED THAT AT THE PRESENT STAGE OF THE CON-
FERENCE AND WITH THE PRODUCTION OF THE INFORMAL
COMPOSITE NEGOTIATING TEXT (ICNT), PRESIDENT'S PRO-
POSAL THAT NEGOTIATIONS BE CONDUCTED BY HIM PERSONAL-
LY OR UNDER HIS DIRECTION WAS A SOUND ONE.

IT WAS ALSO AGREED THAT SPECIAL NEGOTIATING GROUPS
FOR THE CONSIDERATION OF ISSUES WHICH WERE OF IM-
MEDIATE CONCERN TO A LIMITED NUMBER OF DELEGATIONS
SHOULD BE ESTABLISHED BY THE PRESIDENT IN CONSULTA-
TION WITH THE PARTICIPANTS AS A WHOLE.
NUCLEUS OF THESE GROUPS AND THEIR CHAIRMANSHIP WOULD
BE DETERMINED BY THE PRESIDENT IN CONSULTATION WITH
THE PARTICIPANTS AS A WHOLE, WITH THE EXCEPTION THAT
IF ANY SPECIAL GROUP SO DESIRED, THE CHOICE OF THE
CHAIRMAN COULD BE LEFT TO IT.
RESULTS OF ALL NEGOTIATIONS CONDUCTED IN THE SPECIAL
GROUPS WOULD HAVE TO BE REPORTED TO THE PRESIDENT
WHO WOULD IN TURN BRING THEM BEFORE THE PLENARY.

(6) THE PRESIDENT PROPOSED THAT IN NEGOTIATIONS HELD AT
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PLENARY LEVEL HE WOULD, WHILE HIMSELF PRESIDEING,

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WISH THE CHAIRMEN OF THE MAIN COMMITTEES TO BE ASSOCIATED WITH HIM ON THE PODIUM AS THEIR OBSERVATIONS AND SUGGESTIONS ON THOSE PORTIONS OF ICNT FOR WHICH THEY HAD BEEN RESPONSIBLE WOULD CONTRIBUTE TO A CLEARER UNDERSTANDING OF THE PROVISIONS AND ASSIST THE NEGOTIATING PROCESS. THIS WAS APPROVED.

(7) IT WAS AGREED THAT QUESTION OF FINANCIAL ARRANGEMENTS INCLUDING THE FINANCING OF THE AUTHORITY AND ITS ENTERPRISE WHICH HAD NOT YET BEEN PROPERLY DISCUSSED SHOULD RECEIVE SPECIAL ATTENTION. PRESIDENT SUGGESTED THAT A PRELIMINARY STUDY SHOULD BE UNDERTAKEN BY A GROUP OF REPRESENTATIVES WITH SPECIAL EXPERIENCE AND KNOWLEDGE OF THE SUBJECT, ASSISTED BY STAFF OF THE UNITED NATIONS SECRETARIAT AND OTHER ORGANS OF THE UNITED NATIONS I.E. UNDP AND UNCTAD.
THE GROUP AND ITS STAFF SHOULD BE REPRESENTATIVE OF BOTH DEVELOPING AND DEVELOPED COUNTRIES. RESULTS OF THE STUDY SHOULD PREFEREAABLY BE AVAILABLE BEFORE INTERSESSIONAL MEETING AND WOULD BE ISSUED PURELY AS AN INFORMAL DOCUMENT.
THE PRESIDENT WOULD TAKE ACTION IN CONSULTATION WITH THE CONFERENCE PARTICIPANTS AND THE SECRETARIAT TO ESTABLISH THIS GROUP.

(8) THE INTERSESSIONAL MEETING SHOULD NOT HAVE THE STATUS AND CHARACTER OF AN INFORMAL SESSION OF THE CONFERENCE, AND ANYTHING DETERMINED THERE SHOULD NOT BE REGARDED AS IRREVOCABLY BINDING.

(9) THE QUESTION OF THE MAINTENANCE OF RECORDS WAS CONSIDERED. IT WAS OBSERVED THAT RECORDS OF THE CLASSIC CONVENTIONAL TYPE COULD PROVE AN IMPEDIMENT TO SUCCESSFUL NEGOTIATION. IT WAS, THEREFORE, AGREED THAT NOTES OF THE NEGOTIATIONS WOULD
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BE MAINTAINED WITHOUT ATTRIBUTION AND BE PREPARED BY THE SECRETARIAT UNDER THE PRESIDENT'S SUPERVISION.

(10) THE PRESIDENT SUGGESTED THAT GROUPS WHICH ARE AT VARIANCE WITH EACH OTHER ON ANY ISSUE SHOULD MEET TOGETHER AND TRY TO SETTLE THEIR DIFFERENCES INSTEAD OF MEETING IN EXCLUSIVE GROUPS. THE PRESIDENT STATED THAT HE HAD HELD CONSULTATIONS WITH REPRESENTATIVES OF THE COASTAL STATES GROUP AND THE GROUP OF LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES (LL/GDS) REGARDING THE PROPOSAL THAT GROUP OF 21 SHOULD BE KEPT IN BEING. CERTAIN DELEGATIONS POINTED OUT THAT GROUP OF 21 HAD NOT MADE PROGRESS AND THEY DOUBTED ITS ABILITY TO CON-

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DUCT SUCCESSFUL NEGOTIATIONS ON ISSUES OVER WHICH
DIFFICULTIES EXISTED BETWEEN THE COASTAL STATES
AND THE GROUP OF LL/GDS.

(11) AS REGARDS THE AGENDA FOR THE INTERSESSIONAL MEET-
ING WITHOUT ATTACHING ANY PRIORITY IT WAS AGREED
THAT THE ITEMS PROPOSED SHOULD BE TAKEN UP IN THE
FOLLOWING ORDER:
(1) THE SEA-BED REGIME WITH SPECIAL REFERENCE TO
THE RESOURCE POLICY AND THE SYSTEM OF EXPLORATION
AND EXPLOITATION,
(2) ACCESS OF LAND-LOCKED AND GEOGRAPHICALLY DIS-
ADVANTAGED STATES TOTHE LIVING RESOURCES OF
THE EXCLUSIVE ECONOMIC ZONE,
(3) PROCEDURE AND ORGANIZATION FOR THE SEVENTH
SESSION.

FINALLY, IF TIME PERMITTED, THE ITEM "SETTLEMENT OF
DISPUTES WITH SPECIAL REFERENCE TO THE EXERCISE OF
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THE SOVEREIGN RIGHTS OF THE COASTAL STATES IN THE
EXCLUSIVE ECONOMIC ZONE" COULD BE CONSIDERED.
IN REGARD TO ITEM (2) IT WAS STRESSED THAT ITS
WORDING DID NOT IMPLY THAT THE QUESTION OF THE LEGAL
STATUS OF THE EXCLUSIVE ECONOMIC ZONE HAD BEEN SET-
TLED. THAT WAS A MATTER FOR CONSIDERATION AT THE
SEVENTH SESSION.

2. IN MORNING MEETING 13 DECEMBER AMB. RICHARDSON (US) MADE AN
INTERVENTION POSING QUESTION TO AMERASINGHE WHO HAD JUST
COMPLETED ENUMERATING SEVEN AREAS OF GREATEST DIFFICULTY IN
THE CONFERENCE WHICH ALSO COULD BE BONSIDERED FOR AGENDA AT
INTERSESSIONAL. RICHARDSON ASKED IF JOINT VENTURES AND
TRANSFER OF TECHNOLOGY SHOULD NOT ALSO BE INCLUDED IN THE
PRESIDENT'S LIST AS WELL AS THE ADDITION OF DISPUTE SETTLE-
MENT OF SEA-BED ISSUES. HE FURTHER EMPHASIZED THE IMPORTANCE
OF ANNEX 6 AND SECTIONS 4 AND 5 OF ANNEX 5. AMERASINGHE
REPLIED THAT THESE ITEMS WOULD ALSO BE INCLUDED.

3. COMMENT: TOWARDS THE END OF THE SESSION THERE WAS DISCUS-
SION AS TO THE ROLE THE SECRETARIAT SHOULD PLAY IN THE
PREPARATION OF THE PRELIMINARY STUDY ON THE FINANCING OF THE
AUTHORITY. SOME DELEGATES EXPRESSED THE VIEW THAT THE
SECRETARIAT SHOULD ASSUME THE LEADING ROLE. IT WAS SO DECIDED.

4. FURTHER COMMENTARY WILL BE PROVIDED FROM D/LOS IN WASHINGTON.
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